

COMMISSION HEARING EXAMINER DIRECTIVE

ADMINISTRATIVE MATTERS	<input type="checkbox"/>	DATE	<u>December 14, 2007</u>
MOTOR CARRIER MATTERS	<input type="checkbox"/>	DOCKET NO.	<u>2007-364-C</u>
UTILITIES MATTERS	<input checked="" type="checkbox"/>	ORDER NO.	<u>n/a-</u>

HEARING EXAMINER: **David Butler**

DOCKET DESCRIPTION:

Joint Application of PAETEC Communications, Inc., and US LEC of South Carolina Inc., for Approval of Intra-Corporate Merger, Assignment of Authorization and Cancellation of US LEC's Authority to Provide Telecommunications Service

MATTER UNDER CONSIDERATION:

Withdrawal of the Joint Petition

HEARING EXAMINER ACTION:

The joint parties in this case filed a letter dated December 13, 2007 which withdrew the Joint Petition in this Docket, without prejudice. According to the letter, this was done after consultation with the Office of Regulatory Staff. S.C. Code Ann. Section 58-3-225 (E) (2006) states that a party may withdraw its petition from any commission docket one time as a matter of right, and without prejudice, provide that it does so prior to the later of the date that responsive pleadings are filed or the date that the withdrawing party's direct testimony addressing the petition is due to be filed with the commission. In this case, the withdrawal was dated one day prior to the date that the direct testimony was due. Accordingly, the joint parties in this case have met the criteria for withdrawing the Joint Petition without prejudice. This Docket shall be administratively closed.